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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention
of Discrimination and
Protection of Minorities
Forty-second session

ANNOTATIONS TO THE PROVISIONAL AGENDA

Prepared by the Secretary-General

Addendum

The present addendum brings the annotated provisional agenda up to date in the light of the resolutions and decisions adopted by the Economic and Social Council at its first regular session in 1990.

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Item 4: Review of further developments in fields with which the Sub-Commission has been concerned

Compensation for victims of gross violations of human rights

1. By its resolution 1990/36 of 25 May 1990, the Economic and Social Council authorized the Sub-Commission to entrust Mr. Theo van Boven with the task of undertaking a study concerning the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms.

Right to freedom of opinion and expression

2. By its resolution 1990/35 of 25 May 1990, the Economic and Social Council endorsed the decision of the Commission on Human Rights, in its resolution 1990/32, to entrust Mr. Louis Joinet and Mr. Danilo Türk with the preparation of a study on the right to freedom of opinion and expression, the current problems of its realization and on measures necessary for its strengthening and promotion.

Traditional practices affecting the health of women and children

3. By its decision 1990/247, the Economic and Social Council approved the decision of the Commission in its decision 1990/109, that (a) the mandate of the Special Rapporteur, Mrs. Halima Embarek Warzazi, be extended for two years so as to enable her to present a more complete report; (b) field missions be undertaken by Mrs. Warzazi, if possible to two countries where harmful traditional practices are prevalent; (c) international regional seminars be held on the subject of harmful traditional practices in Africa and Asia; (d) all efforts be made by the Centre for Human Rights to provide necessary support, including a full-time professional assistant, to liaise with Governments, United Nations agencies and the economic and social commissions, non-governmental organizations and other concerned institutions, with special emphasis on data-gathering from the many organizations currently working to eliminate harmful traditional practices, but which are not mentioned in the preliminary report (E/CN.4/Sub.2/1989/42 and Add.1).

Discrimination against HIV-infected people or people with AIDS

4. By its decision 1990/239, the Economic and Social Council authorized a study of problems and causes of discrimination against people infected with HIV or people with AIDS to be undertaken by Mr. Luis Varelo Quirós, as suggested by the Sub-Commission in its resolution 1989/17 and endorsed by Commission resolution 1990/65.

Guidelines on the use of computerized personal files

5. By its resolution 1990/38 of 25 May 1990, the Economic and Social Council decided to transmit the final report of the Special Rapporteur to the General Assembly for final adoption, pursuant to the recommendation of the Commission on Human Rights in its resolution 1990/42.

Status of the individual and contemporary international law

6. By its resolution 1990/42 of 25 May 1990, the Economic and Social Council decided that the study by Mrs. Erica-Irene A Daes on the said subject be published and widely disseminated.

Status of Special Rapporteurs

7. By its resolution 1990/43 of 25 May 1990, the Council expressed its appreciation to the International Court of Justice for having given the unanimous opinion on 15 December 1989, that article VI, section 22, of the Convention on the Privileges and Immunities of the United Nations is applicable in the case of the special rapporteur in question; and welcomed the opinion of the Court to the effect that rapporteurs and special rapporteurs of the Sub-Commission must be regarded as experts on mission within the meaning of article VI, section 22, of the Convention on the Privileges and Immunities of the United Nations.

Developments relevant to the activities of the Centre for Human Rights

8. By its resolution 1990/47 of 25 May 1990, the Economic and Social Council, having taken note of the report of the Secretary-General on the situation and developments regarding the logistical and human reserves support for the activities of the Centre for Human Rights (E/1990/50), requested the Secretary-General to include in the proposed programme budget for the biennium 1992-1991, programme and resource proposals for long-term solutions of the problem posed by this situation. It further requested the Secretary-General to submit to the General Assembly at its forty-fifth session a brief report on actions taken in 1990 and those planned for 1991, as interim solutions of these problems. It decided to refer the report, inter alia, to the Commission on Human Rights, at its forty-seventh session, and the persons chairing human rights treaty bodies for consideration.

Enlargement of the Commission on Human Rights

9. By its resolution 1990/48 of 25 May 1990, the Council decided that the membership of the Commission on Human Rights shall be increased to 53 and that the 10 additional seats should be allocated among the regional groups of Africa, Asia and Latin America, and that the enlarged membership shall be elected in 1991. The Council authorized the Commission to meet exceptionally between its regular sessions, provided a majority of State members of the Commission so agrees; recommended that the mandates of the Thematic Rapporteurs and working groups established or to be established by the Commission shall, unless otherwise decided, be of three years' duration; requested the Secretary-General to provide the Rapporteurs and working groups with all necessary assistance to carry out their mandates in the best possible conditions; and called on all Governments to co-operate fully with them and to support and promote their activities by ensuring unhampered access to all relevant sources of information; and decided that, in the week following the session of the Commission on Human Rights, the Bureau shall meet to make suggestions as to the organization of work of the Commission, including the effective use of conference time and facilities.

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Item 5: Elimination of racial discrimination

(a) Measures to combat racism and racial discrimination and the role of the Sub-Commission

10. In resolution 1990/49 of 25 May 1990, the Council, inter alia, welcomed the emerging political climate inside South Africa which has the potential to create conditions that are conducive to the abolition of apartheid; called upon Governments to encourage positive change in South Africa based on the guidelines set out in the Declaration on Apartheid and its Destructive Consequences in southern Africa and in particular by maintaining existing measures against South Africa until there is clear evidence of profound and irreversible change; reaffirmed the need to continue giving particular attention to the specific activities of the Programme of Action for the Second Decade that are directed towards the elimination of Apartheid, which is the most destructive and vicious form of institutionalized racism; requested the Secretary-General to ensure the effective and immediate implementation of those activities proposed for the first half of the Decade that have not yet been undertaken and to continue with the implementation of the activities for the period 1990-1992 listed in the annex to General Assembly resolution 42/47; and requested him, in this context, to continue to accord the highest priority to measures to combat apartheid.

11. By decision 1990/224, the Council approved the Commission's request to the Secretary-General to organize in 1990 a meeting of representatives of national institutions and organizations promoting tolerance and harmony and combating racism and racial discrimination with a view to exchanging experience on the promotion of such objectives (Commission resolution 1990/13).

12. By decision 1990/245, the Council approved the publication and distribution on as wide a scale as possible of the final report of the Special Rapporteur, Mr. Asbjørn Eide.

(b) Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime of South Africa.

13. By its resolution 1990/34 of 25 May 1990, the Economic and Social Council invited the Special Rapporteur to continue to update, subject to annual review, the list of banks, transnational corporations and other organizations assisting South Africa. The Council further requested the Secretary-General to make available to the Special Rapporteur two economists to help him develop his analysis and documentation on specific cases of special importance, and to continue to give the updated report the widest distribution and publicity as a United Nations publication.

Item 6: Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission and Human Rights resolution 8 (XXIII).

14. By its decision 1990/228, the Council approved the Commission's decision (resolution 1990/26) that the Ad hoc Working Group of Experts on southern

Africa should continue to investigate and study the policies and practices which violate human rights in South Africa as well as infringements of trade union rights in South Africa, in accordance with Council resolution 1987/63 of 29 May 1987.

15. The Economic and Social Council, following respective recommendations of the Commission, decided to extend for a further year the mandate of the Special Rapporteur on the human rights situation in Romania (decision 1990/232), of the Special Rapporteur on the human rights situation in Afghanistan (1990/234), of the Special Representative on the situation of human rights in El Salvador (1990/242) and of the Special Representative on the situation of human rights in the Islamic Republic of Iran (1990/243). The Council in its decision 1990/235 further approved the request of the Commission to appoint an independent expert to examine developments of the human rights situation in Haiti.

16. By its decision 1990/244, the Council approved the Commission's request to the Secretary-General to continue to provide the Government of Guatemala with such advisory services and other forms of assistance in the field of human rights as may be necessary to foster and strengthen the consolidation of the democratic process and promote a human rights culture and also to appoint an independent expert as his representative to examine the human rights situation in Guatemala and continue assistance to the Government in the field of human rights.

Item 9: Communications concerning human rights: report of the Working Group established under Sub-Commission resolution 2 (XXIV) in accordance with Economic and Social Council resolution 1503 (XLVIII)

17. By its resolution 1990/41 of 25 May 1990, the Economic and Social Council authorized the Commission on Human Rights to establish a Working Group consisting of not more than five of its members, with due regard to geographical distribution, to meet for a period not exceeding five working days prior to the sessions of the Commission, to examine such particular situations as might be referred to the Commission by the Sub-Commission on Prevention of Discrimination and Protection of Minorities under the procedure governed by Economic and Social Council resolution 1503 (XLVIII) and those situations of which the Commission is seized under that procedure, and to make recommendations to the Commission on the course of action to take in respect of each particular situation; decided that the Working Group on Situations shall hold closed meetings and communicate its recommendations confidentially to the Commission on Human Rights, pursuant to paragraph 8 of Council resolution 1503 (XLVIII).

Item 15: Discrimination against indigenous peoples

18. By its decision 1990/238 the Council endorsed the recommendations of the Commission (resolution 1990/62) to authorize the Working Group on Indigenous Populations to meet for 10 serviced meetings in the 10 working days prior to the forty-second session of the Sub-Commission, and to request the Secretary-General to organize, in 1991, a technical conference on practical experience in the realization of sustainable and environmentally sound of self-development by indigenous peoples.

19. By its decision 1990/248 the Council decided to recommend that the General Assembly proclaim an International Year for the World's Indigenous People, in 1992, or another appropriate year, in accordance with established procedure governing the proclamation of international years.

Item 16: Contemporary forms of slavery

20. By its resolution 1990/46 of 25 May 1990, entitled "Suppression of the traffic in persons", the Economic and Social Council requested the Secretary-General to report further to the Council, at its first regular session in 1991, on the steps taken to implement the recommendations contained in its resolution 1983/30 by those Member States, United Nations organizations, and other intergovernmental organizations that have not yet submitted such information and make the report available to the Working Group on Contemporary Forms of Slavery.

21. By its decision 1990/240 the Council approved the Commission's request to appoint for a period of one year a Special Rapporteur to consider matters relating to the sale of children, child prostitution and child pornography.

Item 18: Protection of minorities

22. By its resolution 1990/39 of 25 May 1990, the Economic and Social Council authorized an open-ended working group of the Commission to continue work on a draft declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities.

23. By its decision 1990/246 the Council approved the Commission's request (Commission decision 1990/105), to entrust Mr. Eide with the task of preparing a study of national experience in the protection of minorities.

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